
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2012 No.

**The Pollution Prevention and
Control (Scotland) Regulations 2012**

PART V

REVIEW, VARIATION AND CESSATION OF PERMITS

Permits: transfer

47.—(1) SEPA may transfer all or part of a permit to another person where paragraphs (2) or (3) apply.

(2) This paragraph applies where the existing and proposed permit holders make a joint application to SEPA to approve the transfer of all or part of a permit.

(3) This paragraph applies where SEPA considers that all or part of a permit should be transferred to a new holder, and the proposed holder consents to the transfer.

(4) An application for a transfer must be accompanied by the permit and by any prescribed fee.

(5) An application for a transfer must include the address, telephone number and email address for each of the existing and proposed permit holders and (if different) a correspondence address.

(6) An application for a partial transfer must—

- (a) identify the installation or mobile plant to which the transfer applies, and
- (b) in the case of an installation, include a map or plan identifying the part of the site to which the application relates.

(7) An application for the transfer of a permit in respect of a specified waste management activity must include any information that it is intended SEPA should consider when determining whether the transferee is a fit and proper person, and for that purpose regulation 18 applies to a transfer in the same manner as it applies to the grant of a permit.

(8) SEPA must approve an application for transfer unless it considers that the—

- (a) proposed holder will not be the person with control of the operation of the installation or mobile plant after any transfer,
- (b) in the case of a permit authorising the carrying out of a specified waste management activity, the proposed holder is not a fit and proper person for the purposes of regulation 18, or
- (c) the proposed holder will not ensure compliance with the permit conditions.

(9) SEPA must effect a transfer—

- (a) in the case of a partial transfer—
 - (i) by issuing a new permit to the proposed holder for that part of the installation or mobile plant to which the transfer relates, and
 - (ii) returning the original permit to the existing holder endorsed in respect of the transfer and any variation of the permit conditions,

(b) in any other case, by endorsing the permit in respect of the new holder and any variation of the permit conditions.

(10) A transfer of all or part of a permit has effect on the date specified in the permit or the endorsement, provided that where paragraph (2) applies the date must be as agreed by the existing and proposed permit holders.

(11) SEPA may vary the conditions of a permit only if it considers it necessary to do so to take account of the transfer.

(12) SEPA must where paragraph (2) applies give notice to the existing and proposed permit holders if it decides not to approve the transfer.

(13) The existing permit holder may by notice to SEPA hold the application as being refused if SEPA have failed to make a determination within the specified period.

(14) In paragraph (13), the specified period is the period of two months beginning with the date of receipt of an application under paragraph (2), or such longer period as SEPA may agree in writing with the existing and proposed permit holders.